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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O.A.1999/90

New Delhi, This the 2nd Day of November 1994

Hon'ble Shri Justice S.C.Mathur, Chairman

Hon'ble Shri P.T.Thiruvengadam, Member(A)

Shri Kishan Singh  
son of Shri Ram Jeet  
48-A Subhash Nagar  
Bodhla, Agra 282007.

..Applicant

By None

Versus

1. Union of India through  
Secretary  
Ministry of Defence  
South Block  
New Delhi.
2. The Director General  
Electrical and Mechanical Engg  
(EME-Civil) Army Headquarters  
New Delhi.
3. The Commandant  
509, Army Base Workshop  
Agra Cantt.
4. Commissioner  
Schedule Caste and Schedule Tribe  
R.K.Puram  
New Delhi.

...Respondents

By None

O R D E R (Oral)

Hon'ble Shri Justice S.C.Mathur, Chairman

1. The case has been taken up in the revised call. No one has appeared from either side. We have gone through the records and are proceeding to decide the case on merits.
2. The applicant claims promotion to the post of Highly Skilled Grade II Carpenter and Joiner against SC vacancy with effect from 16.4.1988 when he completed 3 years service as carpenter. He also claims grant of consequential benefits.

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2. The applicant's case is that he was appointed as Carpenter and Joiner semi skilled in Army Civil Establishment on 11.3.82 and he was promoted to the post of skilled carpenter and joiner on 15.4.85 after appearing at written and practical tests and viva voce. On 15.10.84 a circular had been issued creating 3 grade structure for the post of carpenter and other skilled jobs. The circular was later clarified by another order. Under the said circular promotion to the highly skilled Grade II post <sup>is made</sup> after passing the prescribed test. The same procedure was prescribed for promotion to the highly skilled Grade I Post. With effect from 15.10.84 8 skilled carpenters and joiners were promoted. In that promotion there were 2 vacancies in the SC quota and one vacancy in the ST quota. On 15.10.84 only Shri Bhajan Lal a SC Candidate was available for promotion and he was promoted. Applicant completed 3 years service on the post of skilled carpenter and joiner. He made representation on 3.5.88 pressing his claim for promotion against the SC vacancy. On 19.8.88 he received reply that his case for promotion will be considered when a vacancy arises. A trade test was held and the applicant's claim was withheld. The applicant felt aggrieved and approached this Tribunal.

3. In the defence the respondents have not disputed the applicant's claim that he became eligible to be considered for promotion with effect from 15.4.88 when he completed 3 years service. He later passed the trade test on 19.4.89. The wastage vacancy occurred on 1.3.90 against which he has been promoted.

4. In the rejoinder affidavit the applicant had not disputed the fact that he has been promoted with effect from 1.3.90. He has however asserted that he is entitled to be promoted against the SC vacancy and not against the wastage vacancy. The applicant could be promoted only after he completed the required period of 3 years service and passed the trade test. On 15.10.84 when, according to the applicant, the vacancy arose the applicant was not eligible for promotion as he had not completed the required 3 years of service and had not passed the trade test. Accordingly he cannot claim promotion from a date earlier to 19.4.89. After he completes the requisite qualification he can be promoted only when vacancy arises. In our opinion no injustice has been caused to the applicant.

5. In view of the above, the application lacks merit and is therefore dismissed. There shall be no order as to costs. Interim order, if any operating, shall stand discharged.

*P. J. Thiruvengadam*

(P. T. THIRUVENGADAM)  
Member(A)  
2.11.94

*S. C. Mathur*

(S. C. MATHUR)  
Chairman  
2.11.94

LCP